

**REMARKS**

Allowance of the RCE application is requested in view of information given in the Rule 132 Declaration reiterating and providing supplementary evidentiary support to points previously made and showing: (a) the commercial acceptance of the invention (a product corresponding to the claim) with no source of such success other than merit of the invention; and (b) that the presently claimed invention provides a synergistic solution in a minimally-interfering soccer practice tool that provides realistic ball motion (i.e., lift and roll) and true 360° range of kicking ability that includes strong ground-adhering characteristics in a manner not obvious to past or even some present artisans.

In light of Applicants' previously-submitted Remarks with respect to the cited Moore, Sowards and Ainscough references, and this new evidence of unobviousness, it is respectfully submitted that claims 7-11 should be allowed. In the alternative, please enter the declaration for the purposes of appeal.

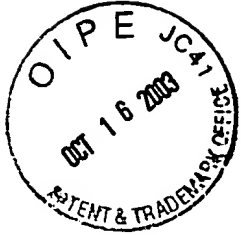
If any questions remain, please call Applicants' attorney, collect, at the number given above. If any sums are due on account of claims adjustment(s), please charge Deposit Account No. 03-2410, Order No. 11714-1.

Respectfully submitted,  
CHRISTOPHER EVANS, et al., Applicants

Dated: October 14, 2003

By: 

\_\_\_\_\_  
Jerry Cohen  
Reg. No. 20,522  
Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher Evans, et al. Exam. M. Aryanpour  
Serial No. 09/493,871 Group Art Unit: 3711  
Filed: January 28, 2000  
For: APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE

RULE 132 DECLARATION

RECEIVED

OCT 23 2003

TECHNOLOGY CENTER R3700

The undersigned declarant, a co-inventor/co-applicant in the above identified application states:

1. I have reviewed the above application and its parent as filed and amended including the proposed claims before the Examiner and all record references and PTO actions and state the following regarding the invention of the present application in relation to prior art.
2. The present invention as described and claimed comprises a soccer ball practice apparatus made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.

3. My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past. The presently recited invention provides a much closer approximation of normal game play than the systems of the cited art, while minimizing the possibility that a user's kick will dislodge the soccer ball from of training equipment. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. With the Ainscough et al. device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice. With the Moore device, a kicker may unintentionally pull the tent stake from the ground with her kick, the partial webbing/elastic band ball holding mechanism will not provide true ball motion, and its additional weight will further inhibit the ability to get "lift" under the ball.
4. My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below and in my previously-filed declaration. We are the Official Licensed Bungee Soccer Trainer of the U.S. Soccer Federation, the governing body of organized soccer in the United States.
5. We have previously provided information regarding the commercial success of our Soccer Edge® device in comparison to commercial embodiments of the Sowards and Ainscough, et al., inventions. Supplementing the previously-filed commercial success data is, appearing as Appendix A hereto, a Sales Analysis for the Soccer

Edge® device, reflecting over 10,000 units sold to eight customers as of September 2003. This list includes re-orders from customers, one of which has re-ordered units from us for three years. This further evidences the distinct contribution the described and presently claimed invention makes to the art.

6. The commercial success can only be attributed to merit of the product as apprised by these sophisticated retail customers. Our company cannot afford significant marketing/advertising. We have no sales employees. We have no leverage of other products to use to gain shelf space. The sales that occurred at the retail level were without any prompting of end users by us. We have had only 20 returns and no complaints at the end user level. (These situations if occurring would be likely come to our attention via the retail chains).
7. Provided as Appendix B hereto are copies of pages of the Sept.-Oct. 2003 Eurosport™ soccer equipment catalog reflecting currently marketed soccer kick practicing equipment. One of the non-rebounder devices shown is the Penaltymaster™. The Directions for Use of the Penaltymaster™ (provided as Appendix C hereto) reflects the recognition on the behalf of its developers that straight pegs may be dislodged from the ground upon a kick. This also further evidences the fact that the described and presently claimed invention provides an unobvious solution (*i.e.*, the use of a spiraled tie down stake) to a problem still not recognized by some soccer trainer equipment artisans.
8. The art as a whole fails to recognize the need for strongly securing in a minimally-interfering way a retrieval-type soccer kick practicing device that provides realistic ball motion (*i.e.*, lift and roll) and true 360° range of kicking ability. Each of the applied references fails individually and in the aggregate to do so. I incorporate my discussion of the Ainscough, et al., and Sowards references' failure to teach or suggest the presently claimed invention, made in my previous declaration and responses. The Moore reference depicts and describes only a

Atty Docket No. 11714-P02  
Christopher Evans, et al.

"suitable anchor" consisting of a tent stake, and a ball holder mechanism comprised of four orthogonally arranged pieces of webbing and an elastic band securing them to the ball. The former will not provide the sufficient securing force to accommodate stronger kickers, and the latter will not provide true soccer ball motion, as the presently claimed invention provides.

9. I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." The present invention also provides truer ball motion, absolutely necessary for young players developing their kicking skills.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: October 14, 2003

By:

  
CHRISTOPHER EVANS

## Appendix A

FROM :

PHONE NO. : 6172670210

Sep. 26 2003 08:47AM P2

09/26/2003

SoccerEdge

08:29:10 AM

## SALES ANALYSIS BY ITEM REPORT

1/ 1/03 To 9/30/03

ITEM / DATE	TT	CUSTOMER ID	SLS	REF NO	QTY ORD	QTY SHIP	AMOUNT
SOCCEREDGE - SoccerEdge							
2/26/03	CI	DUNHAM		00001081	960	960	7,680.00
2/27/03	CI	GSI		00001075	20	20	160.00
2/27/03	CI	MCSPORTS		00001076	360	360	2,880.00
3/ 7/03	CI	TSA		00001077	160	160	1,280.00
3/ 7/03	CI	TSA		00001078	20	20	160.00
3/ 7/03	CI	TSA		00001079	7	7	56.00
4/ 8/03	CI	COPELAND		00001080	144	144	1,080.00
5/ 9/03	CI	TOYSRUS.CO		00001082	40	40	320.00
5/ 9/03	CI	TOYSRUS.CO		00001083	120	120	960.00
5/ 9/03	CI	TOYSRUS.CO		00001084	40	40	320.00
5/28/03	CI	GSI		00001085	20	20	160.00
6/11/03	CI	SPORTCHALE		00001087	180	180	1,440.00
6/18/03	CI	MCSPORTS		00001089	180	180	1,440.00
6/24/03	CI	GSI		00001088	20	20	160.00
7/ 2/03	CI	SPORTCHALE		00001090	380	380	3,040.00
7/ 3/03	CI	DUNHAM		00001091	180	180	1,440.00
7/10/03	CI	QVC		00001092	3500	3500	26,600.00
7/10/03	CI	DUNHAM		00001093	84	84	672.00
7/17/03	CI	MCSPORTS		00001094	180	180	1,440.00
7/23/03	CI	TSA		00001096	6	6	48.00
7/23/03	CI	TSA		00001097	6	6	48.00
7/23/03	CI	TSA		00001098	6	6	48.00
7/23/03	CI	TSA		00001099	6	6	48.00
7/23/03	CI	TSA		00001100	6	6	48.00
7/23/03	CI	TSA		00001101	6	6	48.00
7/23/03	CI	TSA		00001102	6	6	48.00
7/23/03	CI	TSA		00001103	6	6	48.00
7/23/03	CI	TSA		00001104	6	6	48.00
7/23/03	CI	TSA		00001105	6	6	48.00
7/23/03	CI	TSA		00001106	6	6	48.00
7/23/03	CI	TSA		00001107	6	6	48.00
7/23/03	CI	TSA		00001108	9	9	72.00
7/23/03	CI	TSA		00001109	7	7	56.00
7/23/03	CI	TSA		00001110	6	6	48.00
7/23/03	CI	TSA		00001111	14	14	112.00
7/23/03	CI	TSA		00001112	9	9	72.00
7/23/03	CI	TSA		00001113	6	6	48.00
7/23/03	CI	TSA		00001114	7	7	56.00
7/23/03	CI	TSA		00001115	6	6	48.00
7/23/03	CI	TSA		00001116	6	6	48.00
7/23/03	CI	TSA		00001117	6	6	48.00
7/23/03	CI	TSA		00001118	6	6	48.00
7/23/03	CI	TSA		00001119	6	6	48.00
7/23/03	CI	TSA		00001120	6	6	48.00

FROM :

PHONE NO. : 6172670210

Sep. 26 2003 08:47AM P3

09/26/2003

SoccerEdge

08:29:10 AM

## SALES ANALYSIS BY ITEM REPORT

1/ 1/03 To 9/30/03

ITEM / DATE	TT	CUSTOMER ID	SLS	REF NO	QTY ORD	QTY SHIP	AMOUNT
7/23/03	CI	TSA		00001121	6	6	48.00
7/24/03	CI	GSI		00001095	20	20	160.00
7/30/03	CI	TSA		00001122	460	460	3,680.00
7/30/03	CI	TSA		00001123	180	180	1,440.00
7/30/03	CI	TSA		00001124	500	500	4,000.00
7/30/03	CI	HIBBETT		00001125	480	480	3,600.00
8/18/03	CI	MCSports		00001126	90	90	720.00
8/27/03	CI	COPELAND		00001127	72	72	540.00
9/12/03	CI	GSI		00001128	20	20	160.00
9/18/03	CI	TSA		00001129	780	780	6,240.00
9/18/03	CI	TSA		00001130	200	200	1,600.00
9/18/03	CI	TSA		00001131	800	800	6,400.00
9/18/03	CI	TSA		00001132	6	6	48.00
9/18/03	CI	TSA		00001133	22	22	176.00
9/18/03	CI	TSA		00001134	14	14	112.00
9/18/03	CI	TSA		00001135	8	8	64.00
9/18/03	CI	TSA		00001136	27	27	216.00
9/18/03	CI	TSA		00001137	8	8	64.00
9/18/03	CI	TSA		00001138	16	16	128.00
9/18/03	CI	TSA		00001139	7	7	56.00
9/18/03	CI	TSA		00001140	8	8	64.00

Total:	10485	10485	82,132.00
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TOTAL SALES:

82,132.00

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## **Appendix B**

**Kickback Rebounding Goals**

Great for training alone or working on your accuracy, the Kickback goal returns the ball to you after every shot. An adjustable rebounding action allows you to control the speed at which the ball comes off the net and the patented staking system keeps the goal in place. Constructed with a galvanized steel frame that is easy to assemble and disassemble.

**Starter Rebounding Goal**

Size: 5.5' x 9'

#KB5X9 \$224.99

Goal Club \$202.49

Free with 675 Goal Club pts

Shipping \$20 each (UPS Ground)

**Select Rebounding Goal**

Size: 7' x 15'

#KB7X15 \$289.99

Goal Club \$260.99

Free with 870 Goal Club pts

Shipping \$30 each (UPS Ground)

**Club Rebounding Goal**

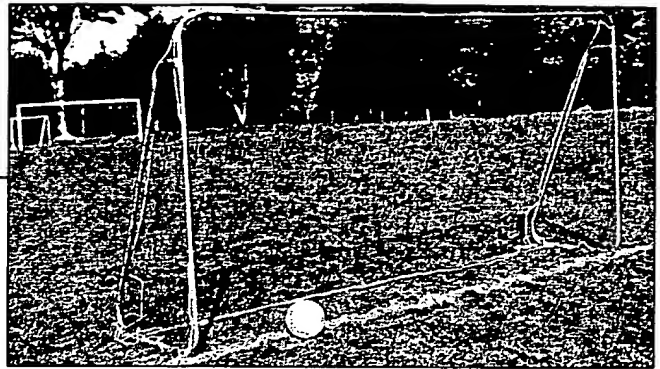
Size: 7' x 16'

#KB7X16 \$365.99

Goal Club \$329.39

Free with 1098 Goal Club pts

Shipping \$30 each (UPS Ground)

**Goal Sporting Goods Small Sided Steel Goals with Ground Bar**

Now with ground bar for added stability! Designed for backyards, youth leagues and skills shooting for all ages. These goals are constructed of durable 1 3/8" galvanized steel tubing. Locking push buttons allow for quick and easy assembly/disassembly. Includes frame, net, anchors and tie wraps.

Size: 6' x 18'

#GB6X18 \$299.99

Goal Club \$269.99

Free with 900 Goal Club pts

Shipping \$40 each (UPS Ground)

Size: 6' x 12'

#GB6X12 \$269.99

Goal Club \$242.99

Free with 810 Goal Club pts

Shipping \$30 each (UPS Ground)

Size: 6' x 8'

#GB6X8 \$229.99

Goal Club \$206.99

Free with 690 Goal Club pts

Shipping \$25 each (UPS Ground)

**Speed/Agility Ladder Footwork Drills**

by Vern Gambetta &amp; Steve Myrland

Improve your ability to make QUICK, FAST cuts! This video demonstrates footwork drills to be used in conjunction with a speed ladder. They are designed to improve quickness, speed, body control and awareness. Great for use either on the field or in the gym. Includes basic series, proprioceptive combinations, change of direction footwork drills, and much more.

(25 min.)

#523337 \$29.99 Goal Club \$26.99

Free with 90 Goal Club pts

**Training Books & Videos****Soccer Speed: The 3S System**

Vern Gambetta, former conditioning coach for the Tampa Bay Mutiny and 1998 U.S. Men's World Cup team, goes over a series of speed drills engineered to develop the following: straight ahead speed, first step quickness, acceleration mechanics, lateral speed and agility, reaction, footwork, change of direction and speed with the ball. (32 min.)

#8773 \$39.99 Goal Club \$35.99

Free with 120 Goal Club pts

**Soccer Speed System**  
by Vern Gambetta

An integrated approach to speed improvement for soccer. You will learn a step-by-step progressive drill system and workouts that improve running mechanics, first step quickness, agility, balance and coordination.

68 pages.

#77333 \$19.99 Goal Club

\$17.99

Free with 60 Goal Club pts

**Conditioning for Soccer**

by Dr. Raymond Verheljen

This complete guide to developing every aspect of conditioning for soccer players features chapters by Europe's top soccer conditioning specialists. Gives information on strength training, speed training, endurance training, and conditioning.

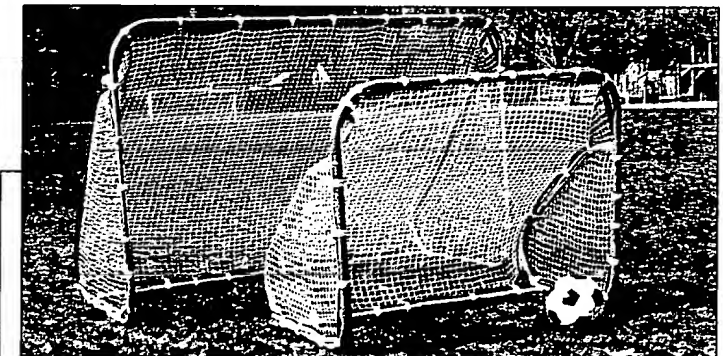
365 pages.

#1851 \$19.99 Goal Club \$17.99

Free with 60 Goal Club pts

Our books and videos can help you with your agility training!

Find more training videos on pages 110 and 111.

**Goal Sporting Goods Interactive Rebounding Goals**

This rebound goal returns the ball to you after every shot. Folds flat for storage and transportability. Constructed of 1 3/8" galvanized steel tubing and includes frame, rebounding net, anchors, and net attachments.

Size: 4' x 6'

#GSR4X6 \$149.99 Goal Club \$134.99

Free with 450 Goal Club pts

Shipping \$25 each (UPS Ground)

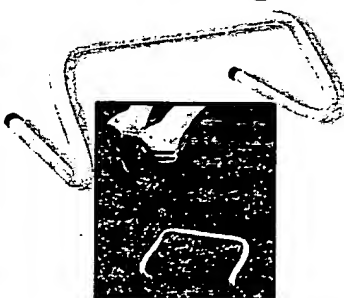
Size: 6' x 8'

#GSR6X8 \$189.99 Goal Club \$170.99

Free with 570 Goal Club pts

Shipping \$30 each (UPS Ground)

ALL VIDEOS ARE IN NTSC (NORTH AMERICAN) FORMAT. DVDs ARE UNIVERSAL. VIDEOS/DVDs ARE NOT RETURNABLE IF OPENED UNLESS THEY ARE DEFECTIVE.

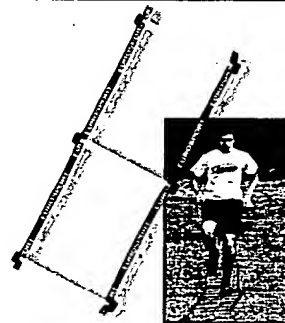
**Tools for Training****Agility Hurdle**

Step, jump, or run over it; makes a great training device. Use to improve speed, strength, power and agility. Can teach quick take off and landing. Use more than one to set up an obstacle course. Portable and light, constructed of high impact PVC. Sold individually. 12" x 18"

#2262 \$9.99

Goal Club \$8.99 3 for \$7.99 ea.

Free with 30 Goal Club pts

**Agility Ladder**

Teaches players important movement fundamentals of agility, balance and coordination. Constructed of nylon with hard plastic rungs every 18".

18" x 10 yards.

#5233 \$39.99

Goal Club \$35.99

Free with 120 Goal Club pts

**Kwik Goal Speed Rings**

Create your own obstacle/ training course with this 12 ring set. Four of each of blue, red and yellow. 16" diameter PVC rings.

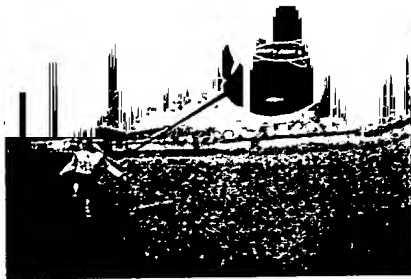
Color: Red, Yellow, Royal

#1681601 \$19.99

Goal Club \$17.99

Free with 60 Goal Club pts

WUSA GOAL IS THE OFFICIAL SPONSOR OF WUSA, MLS AND



#### Starkick

Starkick strengthens kicking, shooting, trapping, passing and throw-in skills. Improves reaction time and coordination in both feet. Kicks over 18 feet! Elastic cord gives natural, realistic action. Neoprene glove takes even the most aggressive play. Fits securely on balls sized 3-5. Velcro® waistband fits all players. Ball not included.

**#782754 \$14.99 Goal Club \$13.49**  
Free with 45 Goal Club pts



#### Kwik Goal Over The Net Soccer

Designed for 1v1 and 2v2 games, this product is great for improving touch and foot/eye coordination. Perfect for camp, practice and tournament usage. Includes net, PVC support poles, size 5 ball, four boundary cones, guy ropes and anchoring pegs.

Size: 2'4" x 10'  
**#163 \$105.99 Goal Club \$95.39**  
Free with 318 Goal Club pts  
Shipping \$8 each (UPS Ground)



#### Pugg Goals

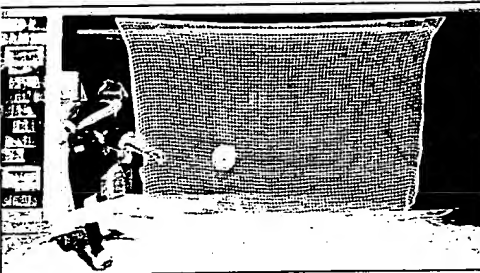
Safety, instant readiness, and years of field-proven durability make these PUGG goals a great value for small-sided training or backyard fun. Includes nylon carrying case and folds flat to about 1" thick. Anchoring pegs are attached.

##### Pugg Micro Goal

Size: 2.5' x 4' Weight: 5 lbs.  
**#7843 \$79.99 per pair**  
Goal Club \$71.99 per pair  
Free with 240 Goal Club pts  
Shipping \$18 pair (UPS Ground)

##### Pugg Pop-Up Goal

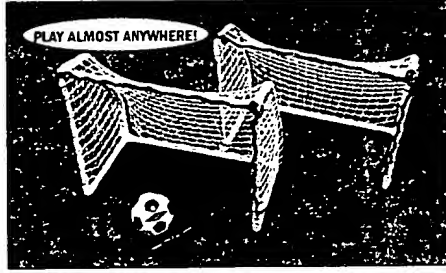
Size: 3.5' x 6' Weight: 7 lbs.  
**#7844 \$119.99 per pair**  
Goal Club \$107.99 per pair  
Free with 360 Goal Club pts  
Shipping \$18 pair (UPS Ground)



#### Garage Sports Net

Turn your driveway and garage into your practice area! This easy to install net covers the opening of your garage and turns it into a practice goal. Play in your garage during inclement weather. Rebound action allows ball to roll back for quick action play. Net can also be used between trees, carport and posts.

Size: 11' x 9'  
**#476 \$39.99 Goal Club \$35.99** Free with 120 Goal Club pts



#### Set of Two Mini-Goals

This pair of goals is constructed of 0.7 mm gauge, 7/8" diameter steel with white ABS connectors. Includes one knotless TEP net, eight "No-Slip" foam skids and eight J stakes. Perfect for small-sided training.

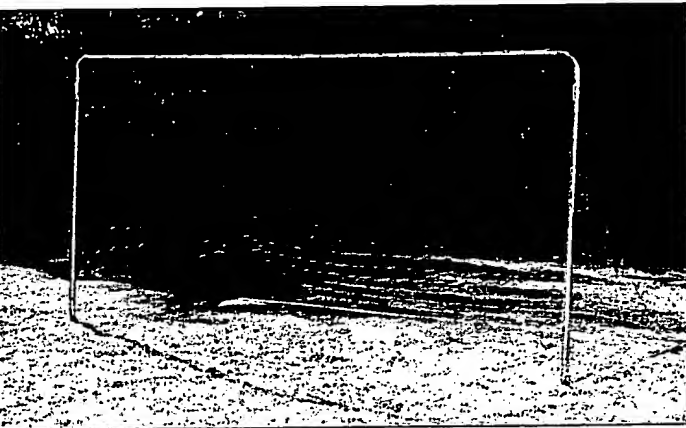
Size: 2' x 1.5' x 1'  
**#66406 \$39.99 per pair Goal Club \$35.99 per pair**  
Free with 120 Goal Club pts Shipping \$12 pair (UPS Ground)



#### Penaltymaster

Practice by yourself without having to chase the ball every time. Use any size 4 or 5 ball. Includes elasticized cord, anchor and safety pegs, and durable ball net. Ball not included.

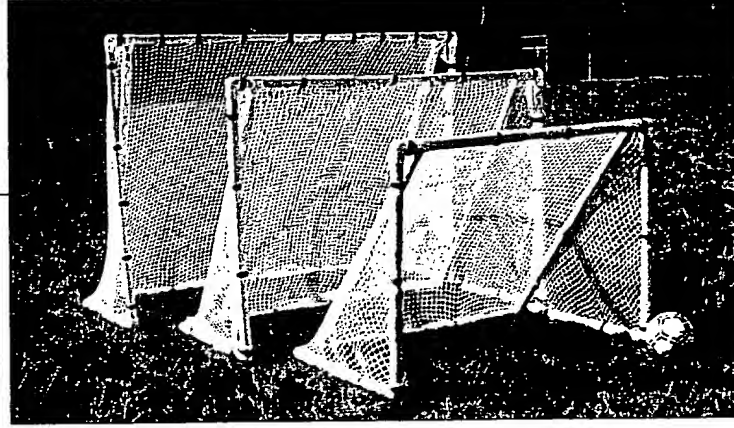
**#98666 \$14.99 Goal Club \$13.49**  
Free with 45 Goal Club pts



#### Brine Goal

A great high school practice goal! Constructed of aluminized steel. Includes 2.5mm HD PE twisted orange 5.5" mesh pocket net and quick fasteners with lacing cord.

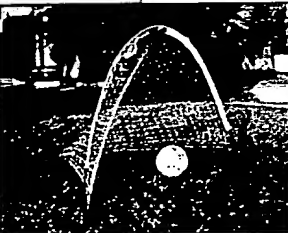
Size: 6' x 12' x 0' x 6'  
Weight: 50 lbs.  
**#660 \$159.99 Goal Club \$143.99** Free with 480 Goal Club pts  
Shipping \$30 each (UPS Ground)



#### Folding/Telescoping Plastic Goal

Portable and adjustable, this revolutionary goal is perfect for small sided games with no keeper or practices and backyard play. Designed to give flexibility in transport, use and storage by folding up flat in just seconds. Different sizes allow it to grow with player's skill and age. Includes net, rods, fittings, and Velcro® net attachments.

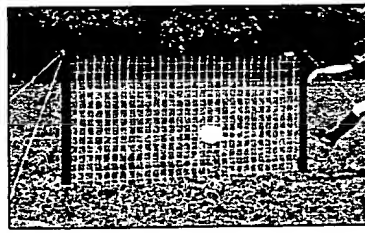
Size: Adjustable from 3' x 4' to 4.5' x 6', with seven sizes in between. Weight: 20 lbs.  
**#8515 \$129.99 Goal Club \$116.99**  
Free with 390 Goal Club pts  
Shipping \$20 each (UPS Ground)



#### Fast Goal

Use it in the park, on the beach, in the backyard, anywhere you want to play a game. Sets up quickly and easily and is lightweight with a sturdy and durable design. Includes a compact carrier bag.

Size: 3.3' x 6.5'  
**#3278 \$34.99 each**  
Goal Club \$31.49  
Free with 105 Goal Club pts



#### Kwik Goal The Finisher

This frameless 5' x 10' rebounder offers the utmost in portability and rebound speed. Great for improving finishing and shot accuracy. Includes net, PVC support poles, guy ropes and anchoring pegs.

**#164 \$109.99 Goal Club \$98.99** Free with 330 Goal Club pts  
Shipping \$8 each (UPS Ground)

## **Appendix C**

#### **SAFETY POINTS:**

To facilitate inserting pegs into the ground the sides of the pegs are different lengths.

1. Both the anchor peg and safety peg **MUST** be used .
2. Both pegs should be placed firmly into an established lawn so they protrude just above the surface.
3. The rubber loop has been specifically designed to ensure that in the unlikely event of the anchor peg coming out of the ground, it will immediately become detached from the anchor peg. The rubber loop itself will then be stopped by the safety peg.
4. Adult supervision is recommended.
5. Do not over extend the cord.
6. Do not attempt to head Penaltymaster.
7. Do not use if another person or pet is in range.

#### **GUARANTEE**

All parts of Penaltymaster are covered by a full 12-month warranty against any defect in materials or workmanship, provided instructions for use have been complied with and the product has not been misused.

#### **WARNING!**

**FAILURE TO COMPLY WITH SET-UP INSTRUCTIONS  
COULD RESULT IN THE GAME BECOMING DANGEROUS.  
NOTE THE FOLLOWING IMPORTANT POINTS ON REVERSE SIDE:**

# **PENALTYMASTER®**

TURNSTILE LTD.

30 Belgrave Gate, Leicester LE1 3GP, England.

Tel: 0116 251 3018 Fax: 0116 251 5684

# **PENALTYMASTER**

## **Soccer Training At Its Best**

#### **IMPORTANT:**

GAME MUST BE SET-UP BY A RESPONSIBLE PERSON  
FOLLOWING THESE INSTRUCTIONS  
(PLEASE NOTE THE WARNING ON BACK PAGE)

### SET UP INSTRUCTIONS

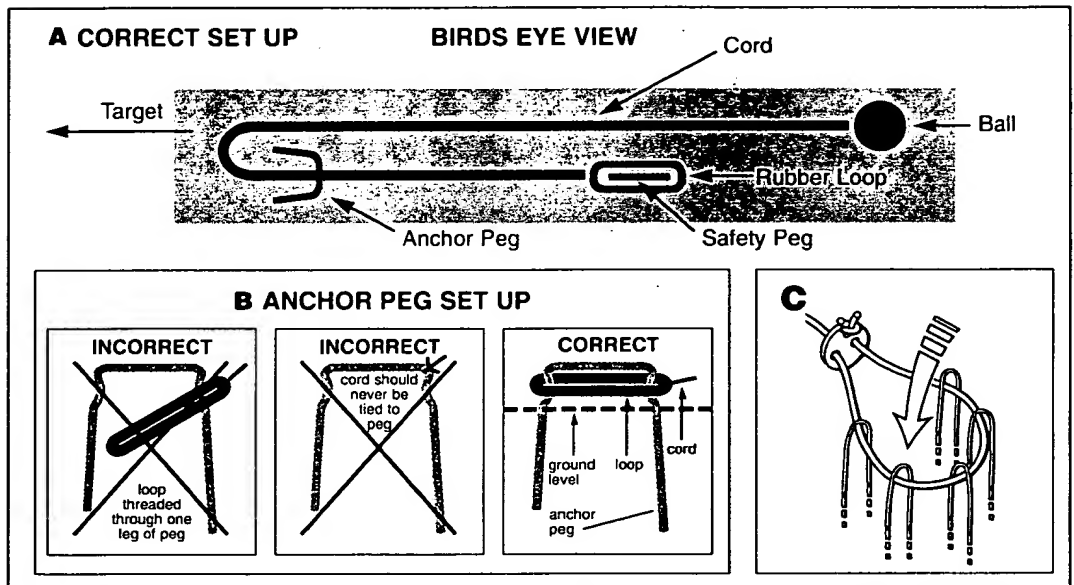
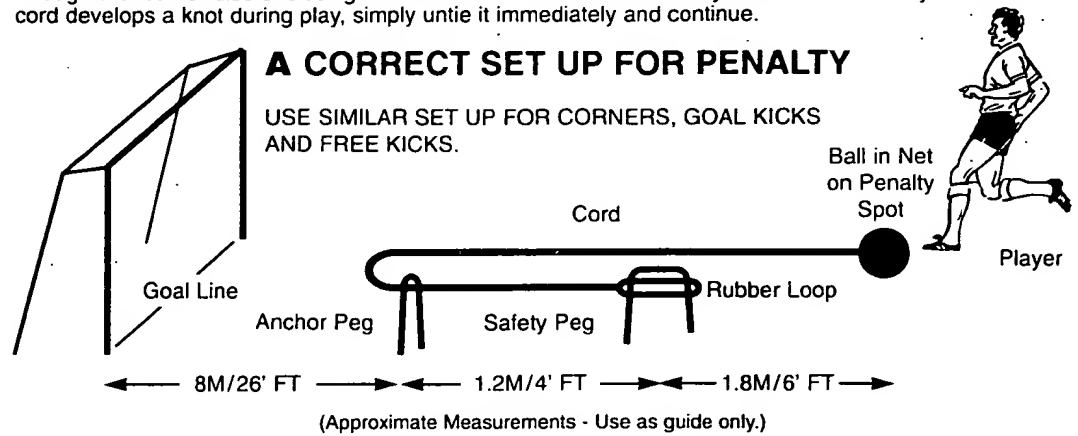
Penaltymaster should be used on grass. Area required 30 metres/32.8 yards. Do not use on sandy soil or bare ground. Adult supervision is recommended for children under 7 years.

#### HOW TO SET UP (SEE DIAGRAM A)

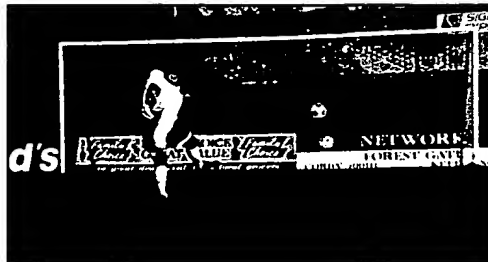
1. Fit rubber loop over anchor peg in the appropriate bend. **(SEE DIAGRAM B)**
2. Insert the anchor peg securely into the ground. Then secure the cord with the safety peg about 1.2 metres/4' FT away towards the target. Let the cord double back and then place the ball on the spot where you intend to pass or shoot from.
3. Both the anchor peg and safety peg **MUST** be used.

#### HOW TO PLACE ANY SIZE 4 OR 5 BALL INTO THE NET (SEE DIAGRAM C)

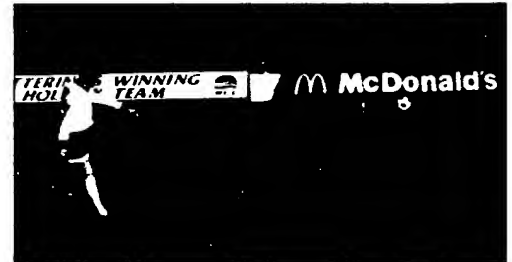
Simply feed the cord through the leather disc and fully open the net and insert the ball. Feed the cord back through the leather disc enclosing the ball inside the net. Your Penaltymaster is now ready for use. If the cord develops a knot during play, simply untie it immediately and continue.



Repeat the following set piece plays to improve power performance and accuracy.  
Practice makes Perfect.



PENALTIES



FREE KICKS

